

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOSLEN RENTALS, LLC, a Washington
corporation and/by TIMOTHY K. JOSLEN,
sole shareholder and President,

Plaintiffs,

v.

UNITED STATES OF AMERICA and
JOHN DOES I - XX,

Defendants.

Case No. 10-5576RJB

ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS

This matter comes before the Court on Defendants' Motion to Dismiss (Dkt. 15). The Court has considered the motion, and relevant documents herein.

On August 10, 2010, Plaintiffs filed a Notice of Claim in the Small Claims Department of the Clark County District Court, claiming that the Bonneville Power Administration ("BPA") wrongly cut down six trees on his property without notice. Dkt. 1, 2. On August 16, 2010, Defendants removed the case to Federal District Court. Dkt. 1. On November 17, 2010, Defendants filed a Motion to Dismiss. Dkt. 15.

Plaintiffs have failed to respond to Defendants' motion to dismiss. Plaintiff's failure to file a response may be considered by the court as an admission that the motion has merit. Local

1 Rule CR 7(b)(2). Defendants filed their motion to dismiss on November 17, 2010 and also filed
2 a document informing Plaintiffs that they are required to respond to the motion to dismiss Dkt.
3 17. Plaintiffs have been given notice and opportunity to respond, but have chosen not to
4 respond. Plaintiffs have failed to rebut the Defendants arguments and assertions. For the
5 foregoing reasons, Defendants' motion to dismiss should be granted and this case dismissed.

6 It should be noted that this dismissal is based on procedural issues, and does not address
7 the merits of Plaintiffs' claim.

8 The Court does hereby find and **ORDER**:

9 (1) Defendants' Motion to Dismiss (Dkt. 15) is **GRANTED**;

10 (2) Plaintiffs' case is **DISMISSED**; and

11 (3) The Clerk is directed to send copies of this Order to all counsel of record and any

12 party appearing *pro se* at said party's last known address.

13 DATED this 21st day of December, 2010.

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15 ROBERT J. BRYAN
16 United States District Judge
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